

REMARKS

Summary

Claim 12-16 are new. Claims 1-16 are pending in this application. Claims 7-11 have been withdrawn in response to the Examiner's Election Requirement.

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Akhtar (US 6,402,612).

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Akhtar.

Applicants respectfully traverse these rejections in view of the comments which follow.

Discussion of New Claims 12-16

New claim 12 is based on original claim 1 with the additional subject matter of "a packing cell arranged in said tower structure" and a liquid circulation system "capable of providing a liquid for contact with and downward flow through said packing cell so that said liquid can be cooled by said airflow". Support for these additional features can be found on page 12, paragraph 33.

New claims 13 and 14 are based on original claims 3 and 6, respectively.

The subject matter of new claim 15, which specifies that the tower inlets are located in vertical sides of the tower structure and are arranged near the bottom of the tower structure, is disclosed in Figure 1 (inlets 26) and described at page 11, paragraph 32.

The subject matter of claim 16, which specifies that the liquid circulation system includes trays having orifices which allow water to drain from the trays to a top of the packing cell, an inlet pipe to delivery water to the trays, and a water collecting device located under the

packing cell, is disclosed in Figure 6 and described on page 12, paragraph 33.

No new matter has been added by the addition of new claims 12-16.

Discussion of Prior Art

As acknowledged by the Examiner, the Akhtar patent and the present application have a common inventor, Ming Hui Han. The Examiner has indicated that the rejection based on Akhtar can be overcome by a Declaration under 37 C.F.R. 1.132.

A Declaration under 37 C.F.R. § 1.132 from Ming Hui Han is submitted herewith. The Declaration states that the present application and the Akhtar patent are commonly owned by M & I Heat Transfer Ltd. The Akhtar patent and Applicants' parent application, U.S. patent no. 10/150,636, were both originally assigned to Air Handling Engineering Ltd., and then from Air Handling Engineering Ltd. to M & I Heat Transfer Ltd.

The Patent Assignment Abstract of Title for the Akhtar patent is attached hereto, evidencing that the Akhtar patent was assigned from Air Handling Engineering Ltd. to M & I Heat Transfer Ltd. This Assignment was recorded at Reel 013532, Frame 0526, by the Assignment Branch of the U.S. Patent Office, the details of which are attached hereto. This Assignment also included the assignment of Applicants' parent application, U.S. patent no. 10/150,636.

The Declaration further states that the subject matter disclosed but not claimed in the Akhtar patent that the Examiner relied on in rejecting the claims was derived from the work of Ming Hui Han, and as such is not the invention of another.

Accordingly, Applicants respectfully request the removal of the Akhtar patent as a prior art reference, and the withdrawal of the rejections based on Akhtar.

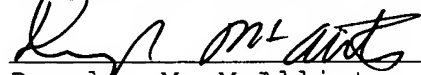
Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the above discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

In view of the above, the Examiner is respectfully requested to reconsider this application, allow each of the presently pending claims, and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



Douglas M. McAllister
Attorney for Applicant(s)
Law Office of Barry R. Lipsitz
Registration No. 37,886
755 Main Street
Monroe, CT 06468
(203) 459-0200



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Patent Assignment Abstract of Title

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Total Assignments: 2

Patent #: 6402612

Issue Dt: 06/11/2002

Application #: 09761984

Filing Dt: 01/17/2001

Publication #: US20010011007

Pub Dt: 08/02/2001

Inventors: Salman Akhtar, Ming Hui Han

Title: COLUMN FAN UNIT

Assignment: 1

Reel/Frame: 011480/0453

Recorded: 01/17/2001

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: AKHTAR, SALMAN

Exec Dt: 12/21/2000

HAN, MING HUI

Exec Dt: 12/21/2000

Assignee: AIR HANDLING ENGINEERING LTD.

OLYMPIC TOWERS, SUITE 200

300 PEARL STREET

BUFFALO, NEW YORK 14202

Correspondent: GIFFORD, KRASS, GROH, SPRINKLE,

ANDERSON & CITKOWSKI, P.C.

RONALD W. CITKOWSKI

280 N. OLD WOODWARD SUITE 400

BIRMINGHAM, MI 48009

Assignment: 2

Reel/Frame: 013532/0526

Recorded: 11/27/2002

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: AIR HANDLING ENGINEERING LTD.

Exec Dt: 09/25/2002

Assignee: M & I HEAT TRANSFER PRODUCTS LTD.

2140 MEADOWPINE BLVD.

MISSISSAUGA, ONTARIO, CANADA L5N 6H6

Correspondent: THOMAS N. YOUNG

SUITE 624

3001 W. BIG BEAVER

TROY, MI 48084

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Patent Assignment Details

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Reel/Frame: 013532/0526

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Pages

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Total properties: 16

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|----|---|----------------------|--------------------------------|-----------------------|
| 1 | Patent #: <u>5437124</u> | Issue Dt: 08/01/1995 | Application #: 08378101 | Filing Dt: 01/26/1995 |
| | Title: RIGID BACKBONE ENHANCEMENT FOR EXTRUDED PROFILES | | | |
| 2 | Patent #: <u>5749702</u> | Issue Dt: 05/12/1998 | Application #: 08732522 | Filing Dt: 10/15/1996 |
| | Title: FAN FOR AIR HANDLING SYSTEM | | | |
| 3 | Patent #: <u>5827044</u> | Issue Dt: 10/27/1998 | Application #: 08824663 | Filing Dt: 03/26/1997 |
| | Title: FAN SYSTEM WITH VARIABLE AIR VOLUME CONTROL | | | |
| 4 | Patent #: <u>6027406</u> | Issue Dt: 02/22/2000 | Application #: 09045398 | Filing Dt: 03/20/1998 |
| | Title: CENTRIFUGAL FAN UNIT WITH VERTICAL ROTATION AXIS | | | |
| 5 | Patent #: <u>6139425</u> | Issue Dt: 10/31/2000 | Application #: 09298377 | Filing Dt: 04/23/1999 |
| | Title: HIGH EFFICIENCY AIR MIXER | | | |
| 6 | Patent #: <u>6241601</u> | Issue Dt: 06/05/2001 | Application #: 09351881 | Filing Dt: 07/13/1999 |
| | Title: HIGH EFFICIENCY AIR MIXER USING JET STREAMS | | | |
| 7 | Patent #: <u>6213867</u> | Issue Dt: 04/10/2001 | Application #: 09481797 | Filing Dt: 01/12/2000 |
| | Title: VENTURI TYPE AIR DISTRIBUTION SYSTEM | | | |
| 8 | Patent #: <u>6267665</u> | Issue Dt: 07/31/2001 | Application #: 09491904 | Filing Dt: 01/27/2000 |
| | Title: Column fan unit | | | |
| 9 | Patent #: <u>6547433</u> | Issue Dt: 04/15/2003 | Application #: 09754915 | Filing Dt: 01/05/20 |
| | Publication #: <u>US20020126572</u> | Pub Dt: 09/12/2002 | | |
| | Title: AIR MIXING DEVICE HAVING SERIES OF PARALLEL AIRFLOW PASSAGES | | | |
| 10 | Patent #: <u>6402612</u> | Issue Dt: 06/11/2002 | Application #: <u>09761984</u> | Filing Dt: 01/17/20 |
| | Publication #: <u>US20010011007</u> | Pub Dt: 08/02/2001 | | |
| | Title: COLUMN FAN UNIT | | | |
| 11 | Patent #: <u>6419576</u> | Issue Dt: 07/16/2002 | Application #: 09817739 | Filing Dt: 03/22/2001 |
| | Title: SOUND ATTENUATING INLET SILENCER FOR AIR SUPPLYING FAN | | | |
| 12 | Patent #: <u>6537490</u> | Issue Dt: 03/25/2003 | Application #: 09867982 | Filing Dt: 05/30/20 |
| | Publication #: <u>US20020182061</u> | Pub Dt: 12/05/2002 | | |
| | Title: AIR INLET AND OUTLET SILENCER STRUCTURES FOR TURBINE | | | |
| 13 | Patent #: NONE | Issue Dt: | Application #: 10122479 | Filing Dt: 04/15/20 |
| | Publication #: <u>US20030192737</u> | Pub Dt: 10/16/2003 | | |
| | Title: OUTLET SILENCER AND HEAT RECOVERY STRUCTURES FOR GAS TURBINE | | | |

14 **Patent #:** 6688966 **Issue Dt:** 02/10/2004 **Application #:** 10127865 **Filing Dt:** 04/23/20
Publication #: US20030199245 **Pub Dt:** 10/23/2003

Title: AIR HANDLING UNIT WITH SUPPLY AND EXHAUST FANS

15 **Patent #:** 6623353 **Issue Dt:** 09/23/2003 **Application #:** 10139880 **Filing Dt:** 05/07/2002

Title: VENTURI TYPE AIR DISTRIBUTION SYSTEM

16 **Patent #:** NONE **Issue Dt:** **Application #:** 10150636 **Filing Dt:** 05/17/20

Publication #: US20030214055 **Pub Dt:** 11/20/2003

Title: Outlet silencer for cooling tower, evaporator cooler or condenser

Assignor

1 AIR HANDLING ENGINEERING LTD.

Exec Dt: 09/25/2002

Assignee

1 M & I HEAT TRANSFER PRODUCTS LTD.

2140 MEADOWPINE BLVD.

MISSISSAUGA, ONTARIO, CANADA L5N 6H6

Correspondence name and address

THOMAS N. YOUNG

SUITE 624

3001 W. BIG BEAVER

TROY, MI 48084

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